

Message Text

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PAGE 01 TOKYO 13369 221020Z

17

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LIMITED OFFICIAL USE TOKYO 13369

E.O. 11652 N/A

TAGS: APER, ASEC, PORS

SUBJECT: CONSULAR OFFICER'S TESTIMONY IN COURT

REFS: A. TOKYO 12776 B. STATE 218910

1. WE HAVE DISCUSSED INFORMALLY SUBJECT OF RICHARDSON'S TESTIMONY WITH FONOFF NORTH AMERICA DIVISION. FONOFF CONSIDERS RISK TO RICHARDSON MINIMAL IN THAT GROUP RESPONSIBLE FOR ATTACK ON CONSULATE IS SMALL ORGANIZED IMMEDIATELY BEFORE FUKUOKA INCIDENT AND WITH NO SUBSTANTIAL ORGANIZATION. FONOFF HAS ASSURED US THAT AUTHORITIES WILL TAKE EVERY PRECAUTION TO ASSURE RICHARDSON'S SAFETY ON DAY OF TRIAL, INCLUDING THE PROVISION OF ESCORT TO AND FROM COURT AND PRESENCE OF PLAIN-CLOTHS OFFICERS IN COURTROOM.

2. ON QUESTION OF ESSENTAILLY, IT IS FONOFF'S UNDERSTANDING THAT AS RICHARDSON WAS ONLY EYE-WITNESS, HIS TESTIMONY WOULD BE ESSENTIAL TO SECURE CONVICTION ON ASSAULT AND OTHER CHARGES IN VIEW OF DEFENDANT'S RIGHT TO REJECT WRITTEN TESTIMONY. FONOFF ALSO SUPPORTS PRINCIPLE THAT HAVING TO DROP CHARGES BECAUSE ONLY EYE-WITNESS REFUSED TO TESTIFY WOULD RESULT IN MINOR VICTORY FOR DEFENDANTS AND WOULD HAVE UNDESIRABLE EFFECT ON FUTURE PROSECUTIONS OF RADICALS.

3. CAVEATS REGARDING LIMINTATIONS ON RICHARDSON'S TESTIMONY AND LIMITED OFFICIAL USE

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PAGE 02 TOKYO 13369 221020Z

CLASSIFIED MATTERS HAVE BEEN CONVEYED

TO JAPANESE AUTHORITIES AND IT IS UNLIKELY THAT THIS PROBLEM
WILL ARISE.

4. ON BASIS OF FONOFF ASSURANCES REGARDING RISK TO RICHARD-
SON AND ITS DESIRE THAT HE COOPERATE IN PROSECUTION, EMBASSY
WOULD SUPPORT RICHARDSON'S APPEARANCE IN COURT. RICHARDSON
REMAINS WILLING TO DO SO AND IF DEPARTMENT PERCEIVES NO
FURTHER OBJECTION, EMBASSY INTENDS TO AUTHORIZE HIS
APPEARANCE.
HODGSON

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